



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

Judge Robert J. Miller

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONSOLIDATED RAIL CORPORATION
a/k/a CONRAIL,

Defendant and
Third Party Plaintiff,

vs.

PENN CENTRAL CORPORATION, et al.,

Third Party Defendants.

CASE NO.:
S90-00056

The deposition of WILLIAM D. HUTCHISON

Date: Thursday, December 10, 1992

Time: 9:30 o'clock a.m.

Place: 205 West Jefferson Boulevard
South Bend, Indiana

Called as a witness by the Plaintiff
in accordance with the Federal Rules of Civil
Procedure, pursuant to agreement as to date,
time and place and notice duly served.

Before Teresa L. Gemmel
Notary Public, State of Indiana

1
2 MR. KURT N. LINDLAND
3 U.S. Environmental Protection Agency
4 Office of Regional Counsel
5 Region 5: CS-3T
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8 For the Plaintiff;

9
10 MR. JAMES A. ERMILIO
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15 For the Defendant and Third Party Plaintiff;

16
17 MR. GLENN J. ROSSWURM, II
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21 For the Third Party Defendant.

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24
25

I N D E X
THE DEPOSITION OF
WILLIAM D. HUTCHISON

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1 WILLIAM D. HUTCHISON,
2 called as a witness by the Plaintiff, being
3 first duly sworn, was examined and testified
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. LINDLAND:

7 Q Would you please state your full name for the
8 record?

9 A William Dane Hutchison.

10 Q And your address?

11 A [REDACTED] (b) (6)

12 Q And your phone number, please?

13 A [REDACTED] (b) (6)
14 Q

15 A Uh huh.

16 Q As I mentioned, my name is Kurt Lindland. I'm an
17 attorney with the United States Environmental
18 Protection Agency, and I'm representing the agency
19 in the action for which we are here today.

20 If there's something that I say or a question
21 that I ask that you don't understand, say you don't
22 understand it, and I can rephrase it for you. If
23 you need to leave for any reason, just indicate
24 that, and we can arrange for a break.

25 Are you familiar with the oath that you just

1 took?

2 A Standard oath.

3 Q In other words, do you know what that oath means?

4 A It means you can be prosecuted if you lie. Is

5 that --

6 Q Okay.

7 A Is that what you're trying to get at?

8 Q Well, do you understand that oath as binding on you

9 today as it would be in a court of law?

10 A Yeah.

11 Q Have you ever been deposed before?

12 A No.

13 Q Have you ever testified at a trial before?

14 A No.

15 Q Have you ever testified in front of the -- like a

16 disciplinary commission at the Conrail rail yard

17 before?

18 A Yes.

19 Q Do you remember the year that you first testified

20 in one of those?

21 A No, I don't. It was in the 60's maybe, '67 or '68.

22 Q Do you remember the nature of the -- the -- you say

23 the incident that occurred?

24 A An engineer had flat spots on wheels, and I was

25 called in to testify on the fact that, yep, there

1 were flat spots on the wheels.

2 Q Do flat spots on the wheel have anything to do with
3 hazardous materials?

4 A No.

5 Q Did you review any documents in preparation for
6 your deposition today?

7 A Any documents, no.

8 Q Did you speak with anyone in preparation for your
9 deposition today?

10 A Yes.

11 Q Who did you speak with?

12 A Him and Bill Martin, my boss.

13 Q Referring only to your discussion with Mr. Martin,
14 what was the substance of your conversation with --
15 with Bill regarding this deposition?

16 A I wanted to know how it was conducted and what I
17 could expect, basically procedures.

18 Q Okay. Did you discuss with him or did he discuss
19 with you any of the subjects about which I would be
20 questioning you?

21 A Yes.

22 Q What subjects did he identify?

23 A He said that you would be asking about hazardous
24 materials and whether I had used any and something
25 about a tank.

1 Q What kind of tank? Do you remember what he
2 discussed with you?

3 A He just said something about a tank.

4 Q In response to your discussions with Mr. Martin
5 about hazardous materials, did you do anything out
6 of the ordinary?

7 For example, did you review the materials you
8 use in looking for hazardous materials or
9 identifying hazardous materials?

10 A No.

11 Q Okay.

12 A I didn't have time for that.

13 Q Do you remember anything specific that Mr. Martin
14 asked you about hazardous materials?

15 A We were in a lunch room, and there was a bunch of
16 people sitting around, and we talked about
17 hazardous materials. Now, I don't remember Bill
18 bringing it up specifically; but we did discuss
19 certain hazardous materials that everybody felt
20 that was part of the case.

21 Q What hazardous materials are those?

22 A Carbon tetrachloride, trichloroethylene and fuel
23 oil, I guess; but he was -- they said that you
24 weren't specifically looking about fuel oil. You
25 were looking for the other two.

1 Q Who else was in that lunch room; do you remember?

2 A Sid Slabaugh. I think John Harvey, Dave Ingling?

3 Q Excuse me?

4 A Dave Ingling.

5 Q Ingling?

6 A Yeah, I-n-g-l-i-n-g.

7 Q What department does Mr. Ingling work in?

8 A He's an electrician. He's in the B & B Shop as an

9 electrician.

10 Q Okay. Anyone else?

11 A I think that's it.

12 Q In the lunch room?

13 A Yeah.

14 Q What was discussed regarding -- let's start with

15 carbon tetrachloride, if you remember?

16 A Well, we were trying to figure out which solvents

17 we had used. I never remembered using it, and

18 neither did any of the others.

19 Q Was carbon tetrachloride discussed primarily in

20 this discussion involving solvents?

21 A Yeah.

22 Q As a solvent then?

23 A Yeah.

24 Q Was carbon tetrachloride referred to in any other

25 manner; that is, other than as a solvent?

1 A Well, now, we -- you know, we're mostly
2 electricians here, and carbon tet was -- I know
3 when I was in the service was used to clean
4 electrical apparatus. And, so that's -- that's the
5 context that we were talking about it.

6 Q Uh huh.

7 A And I have used it when I was there.

8 Q Do you remember the substance of any other
9 discussions about carbon tetrachloride in the lunch
10 room at that time?

11 A Huh uh.

12 Q What about trichloroethylene?

13 A That's also a cleaner, electrical cleaner.

14 Q And were you discussing trichloroethylene with the
15 others in the lunch room, let's see, as a cleaner
16 for electrical compounds as well?

17 A Yes.

18 Q And what was said then, if you remember?

19 A Well, we were just discussing the order that this
20 stuff came in, you know. Originally, carbon tet
21 was used way back when. And then it got on -- you
22 know, it became illegal or whatever, and
23 trichloroethylene was the substitute.

24 And then that became illegal shortly after
25 that, and then when I -- I come on the railroad,

1 they were using Stoddard solvent; and that's -- I
2 think it's S-t-o-d-d-a-r-d, I think, is the way it
3 was spelled.

4 And I think Stoddard solvent is -- it was my
5 understanding was basically mineral spirits, but
6 that was the name that it came on the can and
7 everything that we ordered it was Stoddard.

8 Q Did anybody in the lunch room remember using
9 trichloroethylene or a solvent that included
10 trichloroethylene?

11 A No.

12 Q I mean, not just at the rail yard, but generally?

13 A I have used it in the navy.

14 Q Okay. Were there any other discussions you had in
15 preparation for this deposition other than with
16 Bill Martin and those in the lunch room?

17 A No.

18 Q Was that the same discussion? In other words, were
19 you talking to Bill at the same time you were
20 talking to the others?

21 A Uh huh.

22 Q Did you talk to Bill other than that time about
23 this deposition?

24 A Not -- not really. Just what time to be here and
25 where I was supposed to show up at.

1 Q Okay. Did you prepare any notes or memoranda in
2 preparation for this deposition?

3 A No.

4 Q Do you know whether your counsel reviewed your
5 files at Conrail in preparation for this
6 deposition?

7 A No, I don't.

8 Q You don't know; or no, he didn't?

9 A No, I don't know.

10 Q Okay.

11 Did you bring any documents with you today?

12 A No.

13 Q I'd like to first get some background information
14 on you if I may. If you could state in summary
15 form your educational background beginning with
16 high school.

17 A I graduated from Elkhart High School in 1955 in
18 June. I went into the navy in June of 1955 until
19 1963, and I was -- went to electrician school in
20 the service and took correspondent -- electrical
21 correspondence courses and so forth for
22 advancement.

23 Q When you say "an electrician school," was that
24 sponsored by the navy?

25 A Uh huh.

1 Q And that was part of your duties in the navy. Is
2 that correct?

3 A Yeah. They'd ship you right into school and teach
4 you right in the school.

5 Q Did you have any classes in the electrician school
6 regarding the use or handling of hazardous
7 materials?

8 A No. Hazardous materials at that time wasn't a --
9 in the 50's wasn't a topic.

10 Q What about the 60's?

11 A Nuclear power was the topic.

12 Q Okay.

13 A We had radiation training.

14 Q What about the 60's?

15 You mentioned you were there from '55 to '63.

16 A 1963, yeah.

17 Q Do you remember ever having any classes in
18 electrician school with the navy regarding
19 hazardous materials?

20 A Okay, now, school was like for three months after
21 boot camp; and then I went aboard a ship. So it
22 wasn't like it was a lengthy school.

23 Q Okay. So that was the first three months in 1955,
24 roughly?

25 A Yeah.

1 Q Did you attend any other classes while you were in
2 the navy?

3 A Yeah, that -- well, like I say, mostly on atomic
4 drills and warfare and stuff like that.

5 However, they did -- what they did is they
6 would notify us; like, when we were using carbon
7 tet, then they would -- we would get a flier or
8 bulletin or, you know, type thing that says, "No
9 longer use carbon tet. Now use or order" --

10 Q What year was that? Do you remember?

11 A Probably '59, 1959.

12 Q When you used carbon tet then, do you remember what
13 form it was in? In other words, was it pure carbon
14 tet, or was it mixed with something else?

15 A I wouldn't know. It just come in a can marked
16 carbon tetrachloride, and we'd stick a vacuum hose
17 in it and use air to spray it.

18 Q Okay. Getting back to your education, have you had
19 any other formal education other than the
20 electrician school?

21 A I've had no college. I've gone to school at GE for
22 locomotives and at EMD for locomotives.

23 Q What's EMD?

24 A Electromotive Division at La Grange, Illinois.
25 They build locomotives there.

1 Q Is that part of GE?

2 A No, it's part of Chevy. Chevy Corp -- GM
3 Corporation.

4 Q Okay. What year did you attend the locomotive
5 school for GE?

6 A Probably attended in '65, '67, maybe '69 or '70.
7 As they bought new locomotives, I would go down to
8 learn about them, learn how to troubleshoot them.

9 Q When you say "troubleshoot them," are you referring
10 only to the electrical components in an engine?

11 A Uh huh.

12 Q Do you remember those classes at GE in '65, '67,
13 '69 and '70? Do you remember whether they
14 discussed hazardous materials or the handling or
15 use of hazardous materials?

16 A No.

17 Q You don't remember whether they discussed it?

18 A No, they did not.

19 Q So it was strictly how to fix the electrical
20 components?

21 A Yes.

22 Q And not necessarily how to clean them. Is that
23 true?

24 A Yeah. The -- yeah, because the -- what they were
25 doing is they were showing us the new circuitry on

1 the locomotives and the new cars and what they
2 controlled and what they did on a locomotive. And
3 so, the school was about the electrical function of
4 the locomotive and not the maintenance part.

5 Well, that's kind of; but it was so we'd
6 understand it so we'd know how to repair when they
7 quit working.

8 Q Okay. And when you say "maintenance," you mean --
9 I guess we can say maintenance for function and
10 maintenance for cleaning? Those are two different
11 categories?

12 A Uh huh.

13 Q And you were there learning maintenance for
14 function?

15 A Yes.

16 Q Is that right?

17 Was there also a school for electricians on
18 cleaning electrical components?

19 A (No audible response.)

20 Q Why not; do you know?

21 A I -- I think the -- the makers of the locomotives
22 left that up to the individual buyers because, you
23 know, you had big back shops and stuff; and each
24 railroad determines how and when and where this
25 would be done.

1 Q Do you know whether the manufacturers of a
2 locomotive; for example, GE, had any
3 recommendations on how to clean their engines?

4 A Probably more not to. Not so much what to use to
5 clean it, but what not to use. In other words,
6 your printed circuitry, certain solvents will eat
7 into the circuitry and stuff; and so they would
8 say, "Don't use this product. Don't use that
9 product."

10 Like we used --

11 Q Is there a manual or some kind of book that
12 describes this?

13 A The company has one.

14 Q And is that in your department, or would that be in
15 the engine house?

16 A That's in the engine house. It's called Standard
17 Maintenance Regulations.

18 Q Do you know approximately how often that manual is
19 updated?

20 A No, I don't. They update it fairly -- fairly
21 regularly, but I -- they don't have a specific time
22 period. As they get new information and stuff,
23 they send it out, and then you add it into the
24 regulations.

25 Q You mentioned there is another school that was

1 sponsored by GM or General Motors?

2 A EMD in La Grange, Illinois.

3 Q That was the engine --

4 A It's the Electromotive Division, and they

5 manufacture EMD locomotives.

6 Q What year did you attend that school?

7 A The years in between, like, '68.

8 Q '66? '68?

9 A Yeah.

10 Q '71?

11 A Yeah. About every other year I'd go to one or the

12 other.

13 Q I see.

14 A For those years.

15 Q Do you remember whether that class included the use

16 or handling of hazardous materials?

17 A I don't remember. I don't believe so, but I don't

18 remember.

19 Q Was it basically the same kind of class that was

20 sponsored by GE?

21 A Yeah.

22 Q Are the engines that are used at Conrail, are

23 there -- are there more GE engines than General

24 Motors engines, or is that too hard to say?

25 A You know, I don't know now. They try to buy on

1 equal parity between the two. It used to be they
2 had more EMD than GE, but -- because GE didn't run
3 as good. But, they improved their product, and now
4 I think they buy equally.

5 Q Okay. Then, is there a manual, as well, for the --
6 for the GM engines?

7 A Uh huh.

8 Q Would that be in the same manual, Standard
9 Maintenance Regulations? Or, would there be a
10 separate one for that engine?

11 A Well, I may have confused you. The Standard
12 Maintenance Regulations are -- are the maintenance
13 regulations for the diesel house for the care of
14 all locomotives. Okay?

15 Now, they have individual maintenance books
16 that come with the locomotives that give you
17 information like I received in school that tells
18 how a locomotive works, where the start button is,
19 you know, how to make it run.

20 Q Like an operating manual or something?

21 A Yeah, more technical.

22 Q Okay. Do you know whether that operating manual
23 discusses how electrical components should be
24 cleaned?

25 A In the ones that I read, it did not. I don't

1 recall it ever saying that that I used to use.

2 Q Did you attend any other training, courses like
3 these since you were in the navy?

4 A No.

5 Q Have you attended any other informal or formal
6 education period other than that that you've
7 identified?

8 A I took a course. When I came down on the B & B
9 gang, I took a course in the career center on
10 building codes.

11 Q Building codes?

12 A Uh huh.

13 Q Do you remember whether that course discussed or
14 covered the use or handling of hazardous materials?

15 A No, it didn't. It was strictly wiring houses and
16 regulations; what size wire to use, what size
17 lighting, illumination factors and things like
18 that.

19 Q So it didn't cover how to clean electrical
20 material?

21 A No.

22 Q Have you attended any other courses other than
23 those you've identified?

24 A The only other thing I took was correspondence
25 courses from the Railway Education Bureau in Omaha

1 -- Omaha.

2 Q If we can go back for a moment to the -- of the
3 course you took in preparation for the job at the
4 B & B building.

5 What year was that? Do you remember?

6 A Around 1980.

7 Q All right. And, moving forward now to the -- I
8 guess maybe forward, maybe back -- to the Railway
9 Education Bureau, the correspondence courses.

10 What year did you take those; do you
11 remember?

12 A That would have been in the 60's, probably '65. I
13 took them -- I took two or three courses, so it
14 was, like, '65 through '68.

15 Q So a course a year, roughly?

16 A Uh huh. It was something I was doing on my own.
17 I'd -- I was a troubleshooter at the diesel house
18 on fixing locomotives, and so I was constantly
19 looking out for more information and stuff to do
20 that.

21 Q Do you remember whether those courses covered how
22 to clean or -- strike that.

23 Do you know whether those courses covered the
24 use or handling of hazardous materials including
25 cleaners of electrical components?

1 A No, they didn't. They were just strictly
2 electrical circuitry and repair. It had nothing on
3 cleaning at all.

4 Q Have you attended any other courses?

5 A Huh uh.

6 Q You mentioned after graduating in -- or from high
7 school in 1955 you joined the navy.

8 A I was out five days.

9 Q Five days, okay.

10 In 1955 then, what was your first job in the
11 navy?

12 A Well, you know, you go through boot camp.

13 Q Right.

14 A So, and then I went to electrical school right out
15 of boot camp; and then I was assigned to a seaplane
16 tender in Norfolk, Virginia, as an electrician.

17 Q Was that to repair the seaplanes?

18 A That's what the tender did, but we took care of the
19 electrical equipment on the ship itself. You know,
20 repair the vaporators and hoists and lighting and
21 fans for the officers and, you know, that stuff.

22 Q General electrician sort of work?

23 A Yeah.

24 Q Were you responsible for cleaning the electrical
25 systems as well?

1 A Yeah.

2 Q And at that time in 1955, do you remember what
3 material you used to clean electrical components?

4 A Carbon tet.

5 Q Again, do you know whether that was pure carbon
6 tet, or was it a mixture of any kind?

7 A I don't know. I don't know.

8 Q It was just a can that said carbon tet?

9 A Carbon tet. The plain old silver aluminum cans,
10 gallon size. Just had printed on the side of it
11 carbon tet and a stock number.

12 Q Did you use anything else to clean electrical
13 components then?

14 A On that first ship we just used carbon tet.

15 Q That was in 1955, okay.

16 Did your job ever change? In other words,
17 were you ever moved to another ship or were you --

18 A Yeah.

19 Q (Continuing) -- moved to another position?

20 A I was in eight years so.

21 Q Okay.

22 A My next ship was a destroyer escort, Robert L.
23 Wilson.

24 Q Were you also an electrician on that ship?

25 A Uh huh.

1 Q Did you basically perform the same functions as you
2 did in the seaplane tender?
3 A Yeah, except there I was in charge of the shop.
4 Q On the destroyer?
5 A Uh huh.
6 Q Okay. What year was that; do you remember?
7 A Let's see. '58, 1958.
8 Q Do you know whether carbon tet was ever used to
9 clean electrical components while you were on the
10 destroyer escort?
11 A They changed when I was on there from carbon tet to
12 trichloroethylene.
13 Q And how do you know they changed?
14 A Well, 'cuz we had to stop using it; and we had to
15 start ordering -- I had to order the material.
16 Q Okay.
17 A We cleaned the main generator with it.
18 Q Do you remember whether the trichloroethylene was a
19 pure form, or was it in a mixture?
20 A I have no idea.
21 Q Do you remember what the container looked like?
22 A Your standard silver container.
23 Q Okay.
24 A Gallon cans. It came in gallon cans.
25 Q Did your job ever change or your responsibilities

1 ever change after that?

2 A Yeah, I went from there to shore duty in Brunswick,
3 Georgia, for two years.

4 Q What year was that; do you remember?

5 A It would have been about the end of 1959.

6 Q What were your duties at shore -- shore duty then?

7 A It wasn't as an electrician.

8 Q It wasn't?

9 A No.

10 Q Okay. What was it?

11 A I was in charge of the lifeguards in the officers'
12 swimming pool. Cushy duty.

13 Q Sounds nice.

14 Did you use carbon tetrachloride in that job?

15 A No, huh uh.

16 Q Did you use trichloroethylene in that job?

17 A No. We used chlorine in the swimming pool.

18 Q Did your job ever change after 1959?

19 A Yeah. I left there and was transferred to
20 California on an aircraft carrier, CVA-19, U.S.S.
21 Hancock.

22 Q What year was that; do you remember?

23 A That was '61.

24 Q What was your job or your title on the Hancock?

25 A It was a -- a first class in the aviation and

1 ordinance shop, first class electrician.

2 Q And what were your responsibilities?

3 A Me and another electric -- electrician ran it, ran
4 the shop. The shop was responsible for all bomb
5 elevators and all aircraft elevators and all jet
6 plane starting MG sets and that type of equipment,
7 catapults.

8 Q And you're talking about just the electrical
9 components then, right?

10 A Yes.

11 Q Do you remember whether you used carbon
12 tetrachloride then?

13 A No, we didn't.

14 Q Did you use any solvents?

15 A Yeah, we used trichloroethylene.

16 Q Do you remember what form it came in again?

17 A Same way.

18 Q Okay. Silver can?

19 A Silver can with a name on it and a stock number.

20 Q Silver is the military's favorite color, isn't it?

21 A I guess, yes.

22 If you don't read it, you don't know what's
23 in it. It could be coffee or anything.

24 Q Did you receive any training then in 1969 regarding
25 the use or handling of trichloroethylene?

1 MR. ERMILIO: You mean 1961, don't you?

2 MR. LINDLAND: 1961. I'm sorry.

3 A Not specifically as a class. Our chief told us
4 when using it that we should use safety equipment,
5 masks. Primarily masks, vapor masks, and to make
6 sure that we had proper ventilation; and that was
7 about the limit of it.

8 Q And would you wear a mask?

9 A Yeah.

10 Q Did your job ever change after 1961?

11 A 1963 I became a civilian and went home.

12 Q So you had a job as an electrician on the Hancock
13 was your last job?

14 A In the service, yeah.

15 Q Were you employed as soon as you quit the service?

16 A Yes and no. I got out of the service, and within
17 about a week I was employed by the New York Central
18 Railroad, and I worked for them for about seven
19 months, and then I quit and went to another job.

20 Q Okay. Where was New York Central located then?

21 A In Elkhart -- Elkhart, Indiana.

22 Q In the Elkhart Yard?

23 A Uh huh.

24 Q What was your job?

25 A Electrician.

1 Q And what were your responsibilities?

2 A At that time I worked on the rack, hooking up
3 locomotives to be dispatched on trains for about
4 the -- for that -- in fact, for that full seven
5 months.

6 Q Seven months?

7 A Uh huh.

8 Q Do you remember whether you used trichloroethylene
9 then to clean the electrical components?

10 A Didn't do any cleaning then. I was just a service
11 maintainer on the rack and -- well, we call it the
12 fueling rack, fueling and sanding rack. And so I
13 was -- I wasn't involved in that kind of
14 maintenance.

15 Q Do you know whether carbon tet or TC was used by
16 those who were responsible for cleaning?

17 A I don't know. I can make an assumption, but I
18 really don't know.

19 Q What's your assumption?

20 A That they didn't. I think they were using that
21 mineral spirits, that Stoddard solvent.

22 Q What do you base that assumption on? I mean, was
23 there a policy or something at New York Central to
24 not use those materials?

25 A Yeah, I think that the thing had already come out

1 against trichloroethylene by that time. It seems
2 to me that it had and that they had already
3 switched.

4 Q When you left the Hancock; that is the navy, in the
5 end of 1963 I guess --

6 A Yeah.

7 Q (Continuing) -- were they still using
8 trichloroethylene?

9 A Yes. The navy don't have to listen; do what they
10 want.

11 Q Do you remember who your boss was in 1963 at New
12 York Central?

13 A I had several. Claude Ritter was working days, and
14 I started in under him, and then I went to third
15 trick and worked for Louie Inagro, and I think he's
16 dead now.

17 Q What about Mr. Ritter?

18 A Oh, dear.

19 Q That's okay.

20 Where's Mr. Ritter?

21 A I don't know if Claude's alive or not. I honestly
22 don't know. He would be in his 90's if he is.

23 Q Do you remember anybody you worked with at that
24 time other than Mr. Ritter?

25 A Charlie Harper.

1 Q Do you know what department Mr. Harper worked in?

2 A He was an electrician there at the diesel house.

3 Q Is he in the Elkhart area still; do you know?

4 A Yeah, as far as I know.

5 Q Is he retired?

6 A Yes.

7 Q That's H-o-p-p-e-r. Is that correct?

8 A No, I think it's H-a-r-p-e-r.

9 Q Harper, okay.

10 Do you remember anyone else?

11 A I'm trying to get the names. I have a problem with
12 names, trying to get them to come back to me.

13 Richard Myers was a machinist at the diesel
14 house.

15 Q Do you know if Mr. Myers is still with Conrail?

16 A He's -- no, he's retired; and he lives in (b) (6)

17 (b) (6)

18 Q (b) (6)

19 A (b) (6)

20 Q Do you remember any others?

21 A Jack Markem, electrician. He's retired.

22 Q Markem?

23 A Uh huh, M-a-r-k-e-m, I think.

24 Q He's an electrician.

25 Was he in the engine shop, as well?

1 A At that time he was, uh huh.

2 Q He's in Elkhart?

3 A Uh huh.

4 Q Do you remember any others?

5 A I'm trying to remember who ain't dead. I can't

6 think of any right now who are still alive.

7 Q Okay.

8 A When I come in the shop, I was a young guy. Most

9 of them guys were in their, like, 50's at that

10 time; and so, you know, they're, like, retired; and

11 a lot of them died.

12 Q Do you remember any of the younger ones that may

13 still be with Conrail now?

14 A Well, not in that seven months. When I come back.

15 Q Okay. We'll get to that later. I guess I'm

16 referring just to that seven months.

17 A Yeah, no.

18 Q Okay.

19 A I was the youngest one.

20 Q And you said that your responsibilities were

21 related to hooking up cars?

22 A Hooking up engines.

23 Q Hooking up engines to the cars or the first car?

24 A No, engines to engines.

25 Q Engines to engines.

1 Okay. Briefly, what does that involve? I
2 mean, what is it?

3 A Okay. To -- to operate a train -- say, to operate
4 four units on a train, you need to be able to
5 control them all from the lead unit so that the
6 second, third and fourth will all rev at the same
7 time or load at the same time with the same load
8 and have the same tracking for us.

9 All right, they do that by having jumper
10 cables, electrical jumper cables, that go between
11 each unit that has to be put in and plugged in.

12 Q And by each unit, you mean each engine?

13 A Uh huh. In other words, you'd go from Engine 1 to
14 Engine 2 and from Engine 2 to Engine 3. From
15 Engine 3 to Engine 4 with a 27 pin electrical
16 jumper cable.

17 Q And was that a covered cable?

18 A Uh huh, yeah, and with a metal head, heavy.

19 Q Would those connections ever need to be cleaned?

20 A No, huh uh. The -- plugging them in and removing
21 them basically kept them clean just from friction.

22 Q Was there any cleaning required during that -- that
23 operation?

24 A No, huh uh. Not on my part. I mean, clean the cab
25 and clean the windows, you know, that kind of

1 thing, but like sweep out the cab and use a window
2 cleaner on the windows.

3 Q Did you ever use any liquids on the floor when you
4 would clean out the cab?

5 A I never cleaned out the cab. I'm saying that's --
6 that was the laborer's jobs.

7 Q Okay. That was a different --

8 A Yeah.

9 Q I see.

10 A I didn't ever do that.

11 Q Did you ever see anybody doing it?

12 A Oh, yeah.

13 Q Did you ever see them use liquids?

14 A No.

15 Q Okay.

16 A We didn't have time for that. You had 50 units a
17 night in. You had all you could do just to get
18 them --

19 Q Okay.

20 A (Continuing) -- cleaned up and get them fueled and
21 sanded and headed out.

22 Q Was that your only responsibility then, basically
23 hooking up the engines together?

24 A Uh huh.

25 Q Okay.

1 A And we would change the lighting; you know, change
2 a headlight, that kind of thing.

3 Q Okay.

4 A Cab lights.

5 Q Are you aware of any refrigerants used at that
6 time?

7 In other words, was there any refrigeration
8 associated with the engines or any of the cars that
9 you know of?

10 A Not on the locomotives at that time. They didn't
11 have air conditioning. They didn't buy them with
12 air conditioning. They didn't have it, so there
13 was no refrigerant at all.

14 Q What about in the engine house, itself? Was there
15 any kind of refrigeration in there?

16 A No. We didn't even have a refrigerator for a
17 number of years.

18 Q Was there any air conditioning that you know of?

19 A No, we didn't have air conditioning then either.
20 It was tough back then. They have it now, but they
21 didn't have it then.

22 Q When did they get it? Do you remember?

23 A Oh, not that long ago. I think they only got it,
24 like, 12 years ago or so or 15 years ago.

25 Q Okay. You mentioned that you worked for New York

1 Central for seven months and then you quit?

2 A Yeah.

3 Q What did you do?

4 A I went to Miles Lab and worked at Miles Lab, was a
5 janitor. More money.

6 Q You said you were a janitor?

7 A Uh huh.

8 Q What does Miles Lab do?

9 A Make Alka-Seltzer, and they make Clin-A-Test
10 products for diabetes and things like that.

11 Q So this was still in 1963?

12 A Uh huh.

13 Q How long did you work there?

14 A Till November of '64, and then I come back to the
15 railroad.

16 Q Okay.

17 A And that's when my seniority date starts is 1964.

18 Q Okay. When you -- what date in November, 1964, out
19 of curiosity?

20 A I don't remember. Just November.

21 Q At Miles Laboratory do you remember using any
22 solvents as a janitor?

23 A Yeah, uh huh.

24 Q What kind of solvents did you use; do you remember?

25 A I don't know. Just the standard cleaning solvents.

1 Q Do you know whether any of them contained
2 trichloroethylene or carbon tetrachloride?

3 A No, these were like soap, cleaning liquids and
4 stuff.

5 Q Are you aware of any tank cars ever arriving at
6 Miles Laboratory; that is, rail cars?

7 A No, I was inside. I wouldn't even see them.
8 Wouldn't know when they would come and go or
9 anything. I worked strictly inside.

10 Q Are you aware of any of the materials that they
11 received either by tank car or other means?

12 A Well, I know they received a lot of citric acid
13 because they use that in the Alka-Seltzer tablets,
14 and they received that by the -- I don't know --
15 hundreds of tons or whatever.

16 Q Okay.

17 A So I know that for sure. And I -- I don't -- I
18 don't know if they received it by tank car. They
19 had to receive chemicals that they use to make up
20 their -- their Clin-A-Test products.

21 Q What is a Clin-A-Test product?

22 A Well, like a person has diabetes; you know, when
23 they punch and get a blood sample and they put it
24 on the thing and it turns a color?

25 Well, that's coated with a chemical. They

1 make that strip.

2 Q Oh, they make the strip --

3 A Yeah.

4 Q (Continuing) -- for the --

5 A And -- but they make a lot of other testing too.

6 They test for all kinds of blood-related tests.

7 Q Do you know whether they make chemicals?

8 A They have a -- they have their own citric acid
9 plant now they make. That's -- as far as I know,
10 that's their main one here in the United States.

11 Q Are you aware of any solvents, either used in
12 making products or used for cleaning at Miles
13 Laboratory in 1963?

14 A (No audible response.)

15 Q No?

16 A No.

17 Q You mentioned then in 1964 you came back to the
18 rail yard. Is that right?

19 A Yeah.

20 Q November, 1964.

21 Who owned the rail yard at that time?

22 A Still New York Central.

23 Q And what was your job -- job title then?

24 A Electrician.

25 Q What department did you work in?

1 A The diesel house or Mechanical Department, whatever
2 you call it.
3 Q Mechanical Department?
4 A Yeah.
5 Q Do you remember who your supervisor was?
6 A Norm Oley was the general foreman.
7 Q Norm Oley?
8 A Uh huh.
9 Q Is he retired?
10 A No, he works in California for a company that
11 sells, I think, tank cars to railroads.
12 Q Do you know what the name of that company is?
13 A No, I don't.
14 Q Have you ever heard of GATX?
15 A Yeah. I see them.
16 Q Do you recognize that name as the one he works for?
17 A No. No, I don't know which one he works for.
18 Q Do you remember the names of any other supervisors
19 you had in 1964?
20 A Worked primarily for Louie Inagro at that time.
21 Q And he's deceased now?
22 A Yeah, I think so.
23 Q Do you remember anyone else that you worked with?
24 A See, I was third trick. A fella by the name of
25 Dick Brown was an electrician at that time. He no

1 longer works for the railroad.

2 Q Did he also work in the engine house or the
3 Mechanical Department?

4 A Yeah, he was an electrician just like I was.

5 Let's see.

6 Q Do you know where he is? Is he in the Elkhart
7 area?

8 A He's in the Elkhart area, but I don't know where.

9 Q But not with Conrail?

10 A No.

11 Oh, boy. I think I worked with John Harvey
12 back then, who is coming in this afternoon. Later
13 on when Louie Inagro retired, I worked for Bill
14 Martin as a foreman, who's already been here.
15 Worked for Leroy Chandler, who was a foreman.

16 Let's see. The pipe fitter I worked with is
17 dead. The machinist I worked with is dead.

18 I can't think of anybody else for you.

19 Q You mentioned that the pipe fitter and the
20 machinist are both dead. Were they older -- older
21 gentlemen?

22 A Yeah.

23 Well, the machinist died in his 50's. He
24 drowned up in Lake Michigan.

25 Q Okay.

1 A The pipe fitter had a cerebral hemorrhage and died.

2 Q You mentioned that John Harvey will be in here
3 today.

4 How do you know Mr. Harvey will be in?

5 A He works with me.

6 Q Okay. So he told you he was also coming in?

7 A Well, we made the appointments at the same time.

8 Q Okay. Did you two talk separately from the
9 discussion in the lunch room --

10 A No.

11 Q (Continuing) -- about your deposition?

12 A I think we were all in there together.

13 Q Okay.

14 A It's pretty exciting when you get a call saying
15 you've got to go make a deposition.

16 A what? Where?

17 Q Okay.

18 A We didn't even know that this suit was going on.

19 MR. ERMILIO: Kurt, before you ask your
20 next question, should I contact Mr. Harvey
21 and have him come a little bit later?

22 MR. LINDLAND: He's scheduled for 1:30,
23 right?

24 MR. ERMILIO: 1:30.

25 MR. LINDLAND: We can go off the record.

(Whereupon a short recess was taken.)

BY MR. LINDLAND:

Q You mentioned that you were an electrician in 1964 with the diesel house, and then you mentioned the Mechanical Department.

My understanding is the Mechanical Department is responsible for the diesel house electricians, as well as other areas in the yard. Is that -- is that accurate?

A Uh huh, yes.

Q Okay. So your job then would include, say, other places other than the diesel house?

A Well, at that time, no, I was assigned to work just in the diesel house. The diesel house comes under the Mechanical Department. The car shop comes under the Mechanical Department, but we don't go back and forth.

Q Okay.

A You know, you have a specific job.

Q So it's like a subdivision of the Mechanical Department?

A Yes.

Q And what were your primary responsibilities then in 1964, in November at the engine house?

A I was back on the rack, clean up locomotives.

1 Q So basically the same thing you did several
2 months --

3 A Yeah.

4 Q (Continuing) -- a few months prior to that?

5 Did the method or the procedures change
6 for --

7 A No.

8 Q (Continuing) -- for doing your job?

9 A They're pretty much the same today.

10 Q Were you responsible in 1964 for cleaning any
11 electrical components?

12 A Not in 1964, huh uh.

13 Q Did you use any liquids or solvents in your job?

14 Let's start with liquids.

15 A About the -- about the only thing that I could
16 think that I would have used was we used to get
17 these individual cans of electrical cleaner that
18 was called Cleve Tech. It was a yellow electrical
19 cleaner can. I have no idea what was in it.

20 Q Do you know how to spell Cleve Tech? Was it "C" or
21 "K?"

22 A C-l-e-v-e.

23 Q T-e-c?

24 A T-e-c-h.

25 Q Do you know who made this Cleve Tech?

1 A No, no.

2 Q Do you know what size container it was in?

3 A Well, I don't know how you're going to do this
4 because I'm just going to show him.

5 It was in a can about that high and about
6 that big around.

7 Q So, roughly 12 inches tall by about 2 and a half
8 inches in diameter?

9 A Maybe it would hold 8 fluid ounces or 9 fluid
10 ounces.

11 Q Was it an aerosol can?

12 A It was an aerosol can.

13 Q How much would you use, say, in a month?

14 A Not a full can, generally. Not on my job.

15 Q How about a year if that's easier?

16 A Maybe three cans.

17 Q And what was this material used for, specifically?

18 A It was an electrical cleaner that was okayed to
19 clean parts or relays. Like if you had a relay
20 sticking in the high voltage cabinet on a
21 locomotive, you could spray this in there to clean
22 it so it would work free, and it didn't leave any
23 residue to short out. It was a non-conductive type
24 of --

25 Q And would it then vaporize?

1 A Uh huh. Excuse me.

2 Q Do you remember any fumes associated with this

3 material?

4 A Yeah, it had fumes. Not enough to distress a

5 person when you were working or using it.

6 Q Do you remember whether those fumes were similar to

7 those of a solvent? Or would it be more like fumes

8 from a soap or something?

9 A No, it was more a solvent.

10 Q Do you know whether it was a chlorinated solvent?

11 A I have no idea. I just don't know.

12 Q Do you know whether it contained trichloroethylene?

13 A I don't know that, but I would say no because it's

14 still on sale today in stores. You can buy it in a

15 hardware store.

16 Q Okay. Do you know whether it contained carbon

17 tetrachloride?

18 A No. I would say -- no, I don't know.

19 Q Okay. Did you use any other liquids during that

20 time, during 1964?

21 A No, that's primarily it.

22 Q Do you know what would be done with the empty cans

23 of Cleve Tech?

24 A (No audible response.)

25 Q Throw them in the trash?

1 A In the trash.

2 Q Are you aware of any cans of Cleve Tech ever being
3 buried out in the yard in 1964?

4 A No. We had -- we have professional haulers, you
5 know, garbage -- trash haulers. And so, the --
6 nothing in the diesel house I've ever known of ever
7 got buried anywhere.

8 Q Okay.

9 A If you threw it away, it went in the trash hopper.

10 Q Are you aware of a -- an area in the yard that
11 contained old railroad ties and things of that
12 nature?

13 A Yes. Yes.

14 Q Was that there in 1964?

15 A Yes.

16 Q And how was it used? Do you remember?

17 A It was east of the diesel house, and it was a
18 low -- a low area that I guess they were trying to
19 fill in and eventually expand the yard, maybe build
20 tracks over it.

21 And so, they would take old ties and stuff in
22 there and throw them in there, and then they would
23 take dirt and bury them.

24 Q So the purpose was to raise the ground level there?

25 A Yeah, uh huh.

1 Q Do you know whether any -- if any cans of Cleve
2 Tech were ever thrown in there?

3 A I would really be surprised if it was. I mean, it
4 would be so out of the way to go down there, you
5 know. I mean, we've got trash barrels right in the
6 shop.

7 Q Are you aware of any of the trash barrels or
8 dumpsters being dumped in --

9 A No.

10 Q (Continuing) -- that area?

11 A No. We've got a professional -- we've always had a
12 professional hauler.

13 Q In 1964?

14 A Yeah.

15 Q How many people did you have working with you in
16 1964 in that department?

17 A You mean in the whole shop, all three tricks? Or,
18 how do you mean? On my shift or?

19 Q Right, on your shift.

20 A '64, I think we had -- at that time I think we had
21 two plumbers, three electricians, four machinists,
22 two laborers and -- and I'm not -- one foreman for
23 sure; and I don't know if there was a second one.
24 And that was our -- that was our third trick. That
25 was the third trick.

1 Q You mentioned there were two plumbers.

2 Do you remember what their names were?

3 A I think one of them was John Harvey, but I'm not
4 sure. And I don't -- I don't remember the --
5 Strukel, Al Strukel, who -- and he's the one I told
6 you is dead now.

7 Q Okay.

8 A And his boy worked there too as a plumber for a
9 while. Not in '64, but later on.

10 Q Is he still there?

11 A He's dead too.

12 Q He's dead, okay.

13 A I guess the railroad ain't good to some.

14 Q Okay. Did your job ever change after 1964?

15 A Yeah. I became a diesel inspector, and a diesel
16 inspector is a roving troubleshooter.

17 Q Okay. What year are you talking about now?

18 A Well, that would be about the end of '65 maybe.

19 Q Diesel inspector?

20 A Uh huh.

21 Q Okay. If we could just go back for a moment to
22 1964 when you were an electrician.

23 Are you -- are you aware of any spills of
24 hazardous materials or liquids that occurred
25 between 1964 and 1965 out at the yard?

1 A Well, do you mean in the whole yard?

2 Q Yeah.

3 A Or just at the diesel house or?

4 Q The whole yard.

5 A No, I'm not. I really wouldn't know because if

6 anything like that happened, it would happen with a

7 derailment. A derailment crew would go out and

8 work on it, but the word wouldn't necessarily come

9 to us.

10 You know, we're working on locomotives.

11 We're not working on boxcars or in the yard or

12 anything. So a lot of times those kind of things

13 happened, and we didn't know about it.

14 Q So you would have no responsibility associated with

15 a derailment or an accident involving a car?

16 A No.

17 Q Are you aware of any spills in the engine house?

18 A Fuel oil.

19 Q Do you remember a specific spill of fuel oil? In

20 1964 I'm talking about.

21 A Practically every night.

22 Q Okay. Where -- where would the spill occur?

23 A Right on the -- right on the fuel pad.

24 Q And is that underneath a roof?

25 A No, it's -- it's open. However, the fuel pad is

1 all concreted in and stuff; and it has a drainage
2 system built in where it goes into a recovery
3 system type thing. But sometimes it would
4 overflow. In winter when it would freeze, it would
5 overflow; and in those days we did not have an
6 automatic fuel shut-off system on the locomotives.

7 You know what I'm saying?

8 So, the laborer would put the hoses on the
9 fuel, and then he would be checking sand levels,
10 and he would be watering engines and doing other
11 work. Well, sometimes he'd be delayed a little
12 long; and it would fill up and overflow. And as
13 soon as it did, somebody would holler, and he'd
14 jump down and run and get it, but you'd still have
15 hundreds of gallons of fuel spilled.

16 Q And where would that fuel then go?

17 A Most of it would go into the recovery system.

18 Q And where would the remainder of it go?

19 A Into the ground.

20 Q Why would it go into the ground and not the
21 recovery system?

22 A Because it --

23 Q Would the recovery system overflow? Is that
24 accurate?

25 A Yeah, kind of. You know, when you're shooting --

1 you're shooting a lot of oil down, you know; and
2 so, it puddles out. Now, most of it -- it's
3 slanted, so most of it will run into the center of
4 the system. But by the same token, you've got a
5 backwash that goes out over the edge of that
6 walkway into the ground.

7 Q Do you know approximately how many gallons would go
8 over that walkway?

9 A No, I don't know. Just bunches.

10 Q You mentioned that the -- the oil water separator I
11 believe is what it's called --

12 A Yeah.

13 Q (Continuing) -- would overflow sometimes. Is
14 that -- is that right?

15 A The base -- the catch basin.

16 Q The catch basin on the pad, itself?

17 A Yeah.

18 Q Or in the oil water separator?

19 A No, no. On the pad.

20 Q Okay, on the pad.

21 A And this is -- now, this is back now in New York
22 Central.

23 Q Okay. 1963, '64?

24 A This is '64, 65.

25 Q '64, okay.

1 When the fuel would overflow then on that
2 pad, would the pad be washed off?

3 A Yeah.

4 Q And how would that be washed off; do you know?

5 A Just with a water hose. They had three water
6 hoses. Each station has its own water hose for
7 watering locomotives, and they would just wash it
8 down.

9 Q So you're saying that there was oil that was
10 spilled, but they would use water to wash it?

11 A Yeah.

12 Q Does that work?

13 A Well, they don't mix, you know; and you can push it
14 with water.

15 You know what I'm saying?

16 Q Okay. So it was pushed off?

17 A Into the -- into the -- the catch basin. I'm going
18 to call it a catch basin.

19 Q Okay.

20 A It's a long trough.

21 Q Okay.

22 A So they would get, like, on the edge of the walkway
23 with the hose and start out and just start washing
24 it in, and it would wash the fuel into the catch
25 basin.

1 Q Okay. Are you aware of anything being poured into
2 that catch basin other than fuel oil?

3 A Well, now -- no, not poured in. I'm aware of other
4 stuff going in there.

5 Q What other materials are you aware of going in
6 there?

7 A Lube oil.

8 Q What kind of lube oil; do you know?

9 A Lube oil for the locomotives.

10 Q That was used in the engine shop?

11 A Uh huh, and for the locomotives, you know, like a
12 car has oil.

13 Q Right.

14 A A diesel engine has oil too, and they call it lube
15 oil.

16 Q And how is the lube oil removed? Is it just drained
17 out?

18 A Well, what would happen is like in our -- you know,
19 locomotives have leaks, okay?

20 Q Okay.

21 A And so they drip oil and stuff.

22 And like in the shop and out on the fuel pad,
23 that stuff would leak down on the pad; and then it
24 would get washed into the system, so it would go
25 into the same recovery system as the fuel oil.

1 Q Okay. So just through normal leaking or wear and
2 tear?

3 A Uh huh.

4 Q Are you aware of anyone dumping anything else in
5 the -- in the trough that you've described?

6 A That's mostly what we dealt with. That's -- that's
7 the only thing that I would -- that I would think
8 of that would be -- my first thoughts would be the
9 lube oil and the fuel oil. There wasn't that much
10 else we handled.

11 You know, the Stoddard solvent that we used
12 for washing locomotives and stuff, it would
13 evaporate mostly.

14 Q If it didn't evaporate, where would it go?

15 A It would go down into the system, that same
16 recovery system which would be a matter of drops or
17 more.

18 If I got really, really carried away and had
19 a really dirty motor, I'd drown that dude; and some
20 of it would go down I guess.

21 Q Okay.

22 A Use a whole gallon.

23 Q Again, Stoddard solvent is used to clean the
24 electrical equipment, and that was in 19 --

25 A Motors and main generators.

1 Q And that was in 1964?

2 A Yeah, from then on. We didn't -- as far as I know,
3 they're still using it. I don't have -- I don't
4 think it's called Stoddard now. It's called
5 mineral spirits. But as far as I know, they're
6 using the same stuff today.

7 Q Had you ever heard of Stoddard solvent before you
8 came to New York Central?

9 A No.

10 Q That was the first time?

11 A Yeah.

12 Q And you're not aware of any other spills other than
13 the fuel oil associated with the engine house. Is
14 that -- is that correct?

15 A That's it. That's -- that's the only one that --
16 except for the last three years or so. They've had
17 a couple spills out in the yard where they brought
18 the Hazmat team out; and I knew about them, was
19 aware. Wasn't involved in them. Didn't go down on
20 them, but I was aware of those. But, that's about
21 it.

22 Q Were those in the engine house are you talking
23 about?

24 A No, they were in the yard.

25 Q We'll get to those a little bit later.

1 A I hope you get a Car Department guy to tell you
2 about them. I don't know much about them.

3 Q Okay, we probably will.

4 You started telling me about 1965 when you
5 were promoted to a diesel inspector.

6 What were your responsibilities as a diesel
7 inspector?

8 A As a diesel inspector I was a roving electrical
9 troubleshooter for locomotives; and so I traveled
10 from Chicago to Toledo, Ohio, and around the
11 western region.

12 Q When you say "roving," do you mean that you
13 would -- that these other places would not have a
14 diesel electrician and you would go and fill that?

15 A They would have electricians, but they would be
16 stuck. They couldn't fix it, couldn't find a
17 problem.

18 Q I see.

19 A Then I would have to go in and find it.

20 Q Is it fair to say that you are an expert in fixing
21 diesel locomotives?

22 A I was. I haven't been doing it for ten years now,
23 and if you don't use it, you lose it.

24 Q Okay.

25 A Yes, I was.

1 Q And you would travel from Chicago to -- and all
2 over.

3 When you would travel and do this, would you
4 use any liquids when you would fix the locomotive?

5 A No. I never even carried any with me to tell you
6 the truth. Mostly what we had to repair had to do
7 with relays or pinning circuit boards or -- and
8 my -- my main function a lot of times was just to
9 find the problem, you know. Until they could find
10 it -- they couldn't fix it until they could find
11 the problem.

12 Q Are you -- are you aware of -- of any solvents
13 being used at any of these other facilities to
14 clean electrical components?

15 A I'm sure they had the same thing we had.

16 Q Do you remember?

17 A The Stoddard solvents.

18 Q Do you know that, or is that what you assume?

19 A I assume, because it was -- you know, that was the
20 standard cleaner for the railroad; and so any shop
21 that had electricians or did motor work would have
22 it.

23 Q Now, did you just go and clean engines for Conrail,
24 or was this something that you would do for other
25 railroads as well?

1 A No, this was like for --

2 Q Or for Penn Central?

3 A (Continuing) -- New York Central and Penn Central.
4 I did this just for them.

5 Q So you would not do it for any of the other
6 railroads.

7 Did you ever work in the Elkhart Yard as a
8 diesel inspector?

9 A Uh huh.

10 Q And how long did you work as a diesel inspector
11 from 1965?

12 A For three years. About three and a half -- three,
13 three and a half years.

14 Q Between 1965 and roughly 1968?

15 A Well, you could say close to 1969.

16 Q '69?

17 Did you use any cleaners in the Elkhart Yard?

18 A Yeah. The Cleve Tech and the Stoddard solvent I
19 used; yeah, sure.

20 Q Did you use any other cleaners?

21 A Huh uh.

22 Q Are you aware of any spills of -- of materials, for
23 example, liquids between 1965 and 1969 from the
24 Elkhart Yard?

25 A No, I'm not. I'm sorry to be so uninformed. I

1 really am not. I wasn't interested in that. It
2 was not my problem, and I don't recall any.

3 Q Okay. What about with respect to the diesel shop,
4 itself, or the engine house?

5 A The engine house?

6 Well, I've already told you the ones that I
7 found.

8 Q Okay. You mentioned those were 1964.

9 A Or they were continuing.

10 Q Okay. So that was a continuing --

11 A Fuel leakage was something that was -- that was
12 common.

13 Q And that would be true for Stoddard solvent as well
14 if --

15 A Uh huh.

16 Q Who was your supervisor in 1965 when you were a
17 diesel inspector, if you remember?

18 A I don't remember. It was a master mechanic out of
19 Chicago is who I worked under, and I think -- I
20 just don't remember his name. I thought it started
21 with an "A," and it won't click in.

22 Q So your -- your office was located in Chicago?

23 A My office was located in Elkhart, and they dealt
24 with me by phone.

25 Q I see.

1 A I'd get a call from the master mechanic's office,
2 and they'd say that Fort Wayne has an engine down
3 or Toledo's got an engine down.

4 Q So you didn't have any supervisor at the Elkhart
5 Yard?

6 A I was -- as a diesel inspector, I was kind of
7 equivalent of a foreman.

8 Q Okay.

9 A I was a company -- company personnel.

10 Q Do you remember any of the names of individuals who
11 you worked with in 1965 when you were a diesel
12 inspector? And by that, I mean those who worked
13 out at the Elkhart Yard?

14 A Yeah. Well, again, Bill Martin, I worked with him
15 for years. He was a night -- he was a night
16 foreman and then general foreman, night general
17 foreman; and so I was with him for a long time and
18 Leroy Chandler and -- let's see. Dick brown was a
19 foreman for a while, and we -- we'd already talked
20 about him earlier.

21 Let's see. That was primarily it for on
22 nights. Our shop superintendent or whatever,
23 general foreman on days, whatever you call it,
24 there was a Harry McCann, M-c-C-a-n-n I think it
25 is.

1 Q Do you know if he's in the Elkhart area today?

2 A No, he's not. I think he -- I'm not sure. I think
3 he's in Selkirk, New York.

4 And Bill Mellons, M-e-l-l-o-n-s. Bill, he
5 was -- he was the general foreman there for a long
6 time. He's retired. He lives on Arlene Street in
7 Elkhart.

8 Q Okay.

9 A And he can tell you a lot. Now, he's got a lot
10 better memory than I've got. You get him going,
11 he'll tell you.

12 Q Okay. You mentioned that you used or that Stoddard
13 solvent was used.

14 How was that purchased? Was that purchased
15 through the Purchasing Department?

16 A Uh huh.

17 Q Would you or anyone in your department ever obtain
18 materials from sources other than the Purchasing
19 Department?

20 A No, you weren't -- they didn't have -- it wasn't
21 set up that way. It is today, but it wasn't then.
22 We had a central Purchasing Department, and we had
23 a book of materials to order. If we needed to
24 order something outside of that book, we had to
25 call someone in central purchasing and explain what

1 it was we wanted and needed, and then they would
2 get it for us and send it to us.

3 Q This was 1964?

4 A Yeah. This was all the way up and through the
5 80's.

6 Q Do you remember who that person was? Do you
7 remember any of their names?

8 A No, it was a big department. You know, they were
9 centered in Cleveland, and I didn't know any of
10 their names.

11 Q So you would call Cleveland?

12 A We would -- mostly we'd fill out a form. Then we'd
13 get to mark parts out of a stock book with a New
14 York Central or Penn Central number and just fill
15 out a form for parts and mail it in, and then it
16 would be shipped to us in a boxcar. And our
17 storehouse in Elkhart there would unload it then
18 and notify us that it arrived, and we would pick it
19 up.

20 Q If you needed something immediately, how could you
21 get it?

22 A We would -- we would call the other shops like
23 Chicago or Cleveland and say, "We need this. Do
24 you have it?"

25 And they'd say, "Yeah, we'll, send it down on

1 a van train." And then, within 12 hours we'd have
2 it.

3 Q If they said no, would you ever buy it from any
4 local sources?

5 A We couldn't do that. We just were not allowed to
6 buy locally.

7 Q And that was 1964 and 1965?

8 A That was all the way up to about '83 or '84 maybe.
9 Maybe '85. You just couldn't do that.

10 Q Okay.

11 A Or, at least, I couldn't.

12 Q Okay.

13 A Whenever I wanted anything, I had to get it through
14 the storehouse.

15 Q Do you know if that was different for any of the
16 other departments?

17 A Yeah. Yeah, it was.

18 Q What department was it different for?

19 A Just one. That was Radio Shack -- or the Radio
20 Shop.

21 Q The Radio Shop?

22 A Uh huh.

23 Q What does the Radio Shop do, to the best of your
24 knowledge?

25 A Our locomotives have radios on them and where they

1 can talk to the dispatcher and stuff, and they
2 maintain those radios.

3 Q They maintain their own radios?

4 A Uh huh.

5 Q Do you know who -- who was in charge of the Radio
6 Shop?

7 A Then?

8 No, I don't.

9 Q At any time?

10 A I can't think of his name, the one that's in charge
11 now. Day. What Day? Day is his last name.

12 Q D-a-y?

13 A Uh huh. He's in charge of the Radio Shop now, and
14 he's been in charge maybe for 12 years or better.

15 Q Okay.

16 A But they -- they had an account with an electronic
17 store down on Main Street where they could pick up
18 transistors and resistors and stuff like that that
19 they needed.

20 Q Do you know whether they buy cleaning material from
21 a local source as well?

22 A That, I don't know.

23 Q Okay.

24 Following 1965 when you were a diesel
25 inspector, were you ever promoted, or did your job

1 title change?

2 A Demoted.

3 Q Okay. How did it change?

4 A I resigned.

5 Q You resigned?

6 A And went back to being an electrician.

7 Q Why did you resign from diesel inspector?

8 A This may seem dumb. I had six children, and my

9 family meant a lot to me, and I was on the road all

10 the time; and I said no, I'm going to be home.

11 Q Doesn't sound dumb at all.

12 A So, that's -- that's basically why I quit it, so I

13 could be with my family.

14 Q Okay. And that was 1966?

15 A No, that was -- somewhere in there, yeah. I'm just

16 not sure of the date. But, anyhow, about three

17 years after I started, three and a half.

18 Q Three years after you started as inspector?

19 A Uh huh. I was an inspector for three and a half --

20 three, three and a half years.

21 Q Okay. So that would be more like 1968 then?

22 A Yeah, '68 or '69.

23 Q And you were an electrician then?

24 A Yeah.

25 Q Was that at the Elkhart Yard?

1 A Yeah, at the diesel house again.

2 Q And were your responsibilities primarily the same

3 as they were before when you were at the diesel

4 shop?

5 A No -- well, yes and no. I was still involved in --

6 in working on locomotives, but now I was a -- I was

7 their troubleshooter. And so, instead of doing the

8 general like cleaning work and stuff, I -- engines

9 came in with failures, I would repair them; and

10 that was basically my job as a troubleshooter.

11 Q Who was your supervisor in 1968, roughly?

12 A Bill Martin.

13 Q Do you remember any of the individuals you worked

14 with in 1968 in the engine house?

15 A Machinists; Obanion, Jim McClure.

16 Q You said Jim O'Clure?

17 A Jim McClure.

18 Q McClure.

19 A M-c-C-l-u-r-e. And he's retired now. He's still

20 in the area.

21 Q He's in Elkhart?

22 A Uh huh. Well, I don't know if Jim is in Elkhart.

23 He may be in Bristol. I'm not just exactly sure

24 where he lives, but he --

25 Q Bristol, Indiana?

1 A (Continuing) -- lives in the area, and he can be
2 reached. There at the diesel house -- Leroy
3 Chandler at the diesel house would have his number.
4 Q Bristol, is that in Indiana?
5 A Indiana, yeah.
6 Q Do you remember anyone else?
7 A I can see faces, but I can't think of names. You
8 know, they have things like nicknames -- Heckle and
9 Jeckle and things like that. Like Heckle and
10 Jeckle, I never knew they had a -- I never knew
11 their real name.
12 Q Okay.
13 A And they worked on the pit and -- but Freddy
14 Kramer, he was the boss on second shift.
15 Q Fred Kramer?
16 A Uh huh.
17 Q What was his position; do you remember?
18 A He was foreman. He had like -- I don't know -- 18
19 years or 19 years as foreman before he went back to
20 work as an electrician.
21 Q Is he still in Elkhart?
22 A He's still working in Elkhart, yeah.
23 Q So he still works for Conrail?
24 A He works with me.
25 Q He works with you?

1 A In the B & B Shop.

2 Q And he's been there how many years about?

3 A I think Freddy is over 40. I think he goes back to

4 steam.

5 Q Goes back to what?

6 A Back -- I think he goes back to the tail end of the

7 steam era, steam engines. They -- New York Central

8 went from steam to diesel in 1955.

9 Q Okay. So he goes back prior to 1955?

10 A Yeah, I think so.

11 Q Okay. As electrician then in 1968, did you use any

12 other cleaners other than Stoddard solvent?

13 A (No audible response.)

14 Q Are you aware of any spills of liquids in the

15 engine house?

16 A Just the standard. Just what I've already told

17 you.

18 Q Okay. Are you aware of any spills in the yard,

19 generally?

20 A No, I -- I -- I hate to disappoint you, but I just

21 am not aware of spills.

22 Q That's okay.

23 A I'm aware of one in the diesel house one time that

24 was kind of weird.

25 Q What was that?

1 A It wasn't -- it wasn't toxic.

2 We have this dye that we find fuel leaks on
3 diesel -- on locomotives. You put it in the fuel,
4 and it turns it bright green. And so, when you
5 inspect the top of the heads on the engine, you can
6 see this -- this green coming out, you know, on the
7 block; and it shows you where the leak is, and then
8 you can fix it.

9 Q Okay.

10 A Well, one time there was a part of a can of that
11 laying on the side of an engine that got knocked
12 down in the pit. And when they washed the pit,
13 they washed that dye into the reclamation system.
14 It went out the creek, into the river, and it
15 turned part of the river green.

16 Q Do you know what sort of containers that dye was
17 kept in?

18 A It was a powder. It was in a can about yea big
19 around and about that high (indicating).

20 Q It was a powder?

21 A Uh huh.

22 Q So this would be mixed with the oil?

23 A Yeah, fuel oil.

24 Q Directly?

25 A You put it in a bucket of fuel oil, and then you

1 put your hose in there, and then you pump it into
2 the injectors in the engine so you can see where it
3 was leaking so you can repair the fuel leaks.

4 Q Do you know what year this was?

5 A Maybe early 70's, '77. There was an article in the
6 paper about it, mystery.

7 Q Do you remember what was ever done with that --
8 that spill? For example, was it cleaned up or?

9 A It just -- it just goes away. The chemical is
10 non-toxic.

11 Q Was it ever reported by Conrail; do you know?

12 A No.

13 Q No? No it wasn't or no?

14 A No, it was not reported.

15 Q Do you know why it wasn't reported?

16 A Well, I kind of have an idea that the mechanic that
17 spilled it just didn't worry about it.

18 Q Is it possible that he didn't want anybody to know
19 about it?

20 A Well, as far as I know, nobody in the shop
21 considers that a dangerous chemical.

22 Q Okay.

23 A And so, it was just something that happened. As a
24 matter of fact, when it happened, I brought the
25 article in; and that's how I found out about it.

1 The machinist, "Oh, is that what happened to
2 that? I wondered."

3 Q Do you remember what his name was?

4 A No, I don't. That was a long time ago.

5 Q Do you remember any other spills?

6 A Huh uh.

7 Q Like that or of any other material?

8 A Huh uh.

9 Q Do you remember anybody telling you about any
10 spills in any of the other departments other than
11 the engine house?

12 A No, I don't. The -- the different departments on
13 the railroad are really like little kingdoms, okay.
14 And you're concerned what's happening in your
15 kingdom, and you don't care what happens in any
16 other little kingdom, if you know what I mean.

17 Conrail is so huge that it's set up like
18 that. And a lot of times we have problems because
19 we don't have cooperation between the departments
20 sometimes.

21 Q You mean communication between departments?

22 A Yeah.

23 Q What do you mean by problems?

24 A Well, like -- can I give you -- can I give you an
25 example?

1 This seems like awful long on there. If you
2 want to go off, I can tell you.

3 Q Well, if you could make it brief. I mean, what are
4 you talking about?

5 A Well, like, if I was going to work on a switch and
6 I wanted a signal maintainer there with me, you
7 know; they -- they might say, "No, you know, don't
8 worry about it. We'll get to it when we can," and
9 so I'll be out there to work on a switch and maybe
10 wait half a day and nobody show up, you see.

11 I eventually get one, but -- but it's just
12 sometimes that everybody's got their own thing
13 they're concerned about. The Signal Department, if
14 it's not signals, you know, then they're not real
15 concerned.

16 At the diesel house, if it's not diesel
17 locomotives or fueling or sanding, they're not
18 concerned about what happens in the yard or about
19 derailments unless it's a locomotive, you know.
20 Then if it's a locomotive, you have to go out and
21 look at the damage and stuff.

22 Q Okay.

23 A Very com -- departmentalized.

24 Q So you're not aware of any other liquids that were
25 used in the engine house in 1968 other than

1 Stoddard solvent, lube oil and the fuel oil that
2 you referred to?

3 A And the soap that they wash the place with which
4 came in liquid form.

5 Q And that was in drums, I presume?

6 A Uh huh.

7 Q Are you aware of anybody dumping anything in the
8 oil water separator or the trench in 1968?

9 A No, I'm not.

10 Q Other than the green material you've identified?

11 A No.

12 Q Were you ever -- strike that.

13 Did your job responsibilities change after
14 1968?

15 A Yeah, in about -- it was a big job about '80 --
16 about '80 I guess. I switched over to the Building
17 and Maintenance Department, what they call the
18 B & B Shop.

19 Q Were you also an electrician in 1980 when you
20 switched over?

21 A Yeah, this -- it was as an electrician.

22 Q Was this a newly created department?

23 A No, it had been there all along. I just hadn't
24 wanted to work down there.

25 Q You wanted to work there?

1 A I had not wanted to work down there until I made
2 the change.

3 Q Why did you decide you wanted to work there?

4 A I don't want that on the record.

5 Q Okay.

6 A If you -- out of curiosity, you want to know later,
7 I'll tell you. It's not important.

8 Q Let's ask it this way.

9 Was the reason related to hazardous
10 materials?

11 A No.

12 Q Okay.

13 A Personnel.

14 Q Who was your supervisor in the B & B Shop?

15 A John Dinehart.

16 Q That was in 1980?

17 A Uh huh.

18 Q Mr. Dinehart is still with Conrail, correct?

19 A No, he's retired. He lives in the area. John
20 Dinehart was over the B & B Shop for I don't know
21 how many years; 20 years, whatever. You should
22 have his name, surely.

23 Q Sounds familiar.

24 What were your responsibilities in 1980 as an
25 electrician in the B & B Shop?

1 A General duties; cleaning air conditionings,
2 changing lights on these hundred foot towers,
3 working on snow melters on switches and general
4 building maintenance, replacing lights and lighting
5 fixtures and fans and that kind of work.

6 Q Okay. When you say "general building maintenance,"
7 you mean general building electrician maintenance?

8 A Electrician maintenance, yes.

9 Q Are you a member of a union?

10 A IBEW.

11 Q IBEW?

12 A Uh huh.

13 Q And what union is that?

14 A International Brotherhood of Electrical Workers.

15 Q Is that the same union you've been in since --

16 A Yeah.

17 Q (Continuing) -- 1964?

18 A '64, yeah.

19 Q Do you know who the local chairman is?

20 A Jones. Fred Jones is our union president.

21 Q And he's at Conrail, correct?

22 A No, he's -- he's in the International. He's what
23 they call, I think, on leave from the railroad
24 while he works in the International. But he's the
25 president of our union. He lives here in South

1 Bend.

2 Q But he did work for Conrail?

3 A Yes, as a radio maintainer.

4 Q And by radio maintainer, you mean the Radio Shop
5 that you referred to earlier?

6 A Uh huh.

7 Q Do you know where Mr. Jones is now? He lives here
8 in South Bend?

9 A In South Bend, yeah.

10 Q Do you know how long he was with Conrail?

11 A I think he left while it was still Penn Central to
12 become a permanent -- to become a union official in
13 the International.

14 Q Okay.

15 Have you ever heard of "worker right to
16 know?" Does that phrase sound familiar to you?

17 A I wish I could say yes.

18 It's something I should know, right?

19 Q Have you ever heard of it?

20 A No. They probably said it at a meeting and I
21 missed it, and I'm really feeling guilty here.

22 Q In 1980 when you began working in the B & B Shop
23 you mentioned that you would clean air
24 conditioners.

25 What would you clean them with?

- 1 A I don't know the name of it. There's an air
2 conditioner cleaner that is a liquid and comes in
3 gallon jugs, and you mix it at a 10 to 1 ratio with
4 water that you spray in the air conditioners to
5 clean the core.
- 6 Q Are you responsible for repairing air conditioners
7 as well?
- 8 A We don't -- no. If there's something major wrong
9 with the air conditioner like the compressor goes
10 bad or something, they get a new one.
- 11 Q Do you know where this air conditioner material
12 comes from? In other words, who the manufacturer
13 is?
- 14 A No, I don't. We used to get it through the
15 storehouse, and I think now we probably buy it
16 through Zebell's in Goshen, I think.
- 17 Q Zebell's?
- 18 A Uh huh.
- 19 Q Goshen, Indiana?
- 20 A I think so.
- 21 Q In 1980, do you know whether you used
22 trichloroethylene?
- 23 A No.
- 24 Q Do you know whether you used --
- 25 A I haven't seen trichloroethylene in years by then.

1 Q What about carbon tetrachloride?

2 A No.

3 Q Do you know whether those compounds were a mixture
4 in anything that you used?

5 A No, I don't know.

6 Q Okay.

7 A I would say not. By the 80's, you know, that was
8 dead.

9 I don't even think manufacturers mix it in
10 anything, do they?

11 I don't know. I just don't know.

12 Q Do you know whether refrigerants are stored at the
13 rail yard anywhere?

14 A Uh huh.

15 Q Do you know where they're stored?

16 A At the B & B Shop.

17 Q Do you know what kind of containers they're stored
18 in?

19 A The containers they come in.

20 Q And what kind of containers are those?

21 A They're tanks. They're like the -- the tanks that
22 come -- you know, the gas tanks that are on the
23 front of RV's and stuff.

24 Q Like a propane tank?

25 A Yeah. Yeah, they come in tanks like that.

1 Q Do you know where that material comes from? In
2 other words, who the manufacturer is or the
3 supplier is of that refrigerant?

4 A No, I don't. I don't know where they get it.
5 There are several places in Elkhart that supply it,
6 and Bill Martin might know. I don't know. Or Sid
7 Slabaugh. You've got him coming in.

8 Q Are you familiar with any spills of refrigerant?

9 A No.

10 Spills? That stuff evaporates so fast it
11 wouldn't spill. It's a gas.

12 Q Okay.

13 A Ozone layer might suffer.

14 Q You mentioned that you're in charge of snow melters
15 or repairing snow melters. What exactly is a snow
16 melter other than something that melts snow, if you
17 can just describe it?

18 A Okay. A snow melter is a heater, but it's a rod.
19 It's a single cal -- what they call a cal rod, and
20 it's probably as big around as your little finger,
21 and it's like maybe 30 feet long.

22 And you clamp it up inside the ball of the
23 rail between the point and the rail, and you -- you
24 hook 440 volts to it, and it gets red hot, and it
25 heats that whole rail so that any snow that falls

1 on it is melted, and you don't get an accumulation
2 in between the point and the rail so that the
3 switch will throw.

4 If there's snow in there and you don't have
5 it melted out, when that switch throws, it
6 compresses the snow and then keeps the switch from
7 making -- from closing all the way, and you can get
8 a derailment. So what this melter does is it keeps
9 the snow clear of the point of the switch so that
10 it can throw and traffic can roll through.

11 Q Is this switch known as a flat switch?

12 A No.

13 Q That's something different?

14 A A flat switch is a hand-thrown switch, and these
15 are electrical switches.

16 Q And how many of these electrical switches are there
17 in your yard?

18 A About 220.

19 Q So there's a snow melter for each electrical
20 switch?

21 A For each side.

22 Q For each side there's one?

23 A Yeah. Of the switch, yeah.

24 Q So there's roughly 440 of these snow melters?

25 A Yeah, more.

1 Q When you say you maintain them, how do you maintain
2 them?

3 A Well, they go bad. The wires get cut. Something
4 will drag through them and rip them out of the rail
5 or -- and things like that.

6 When that happens, we have to go back in and
7 put new ones in or repair the cut leads and make
8 sure that they're working. So it's -- when you --
9 you'd be surprised at the amount of stuff that
10 sometimes hits them things.

11 Q Okay. When you -- you mentioned also that you're
12 in charge of general electrical maintenance in all
13 the buildings. Is that right?

14 A Yeah, but that's not what I've been working on here
15 lately, the last four years or so.

16 Q I'm referring now only to 1980.

17 A Okay, yeah.

18 Q Would you ever work on engines at that time?

19 A No. Once I bid down on the B & B gang, then that's
20 where I am.

21 Q Okay.

22 A And I'm done with locomotives.

23 Q And that's all buildings. You never go back and do
24 engines?

25 A We go back and -- no, not the engines. We go back

1 and repair the lights so they can see to work on
2 them. We go back and repair their fuel pumps so
3 they can fuel.

4 Q Have you ever worked on the oil water separator?

5 A No, I haven't.

6 Q Is there any electrical components associated with
7 that?

8 A Yes.

9 Q And what?

10 A They have --

11 Q What is it?

12 A Just a minute. Sorry.

13 They have -- thanks.

14 MR. ERMILIO: Do you want to take a
15 couple minute break.

16 THE WITNESS: No.

17 MR. ERMILIO: Are you okay?

18 THE WITNESS: Yeah. I just got a sudden
19 frog there.

20 A (Continuing) They have like a boom in there, and
21 they have a tape that turns and collects oil and
22 puts it in a tank where it's picked up by a trucker
23 and hauled out and stuff down at the creek. And
24 they have a man that's in charge of that that takes
25 care of that, and that's his job is the maintaining

1 that.

2 Q So if there's an electrical problem with the oil
3 separator, you would not be responsible for
4 repairing that?

5 A No, I've never been called down there. He takes
6 care of it.

7 Q And what's his name; do you know?

8 A Mike Merrit.

9 Q Mike Merrit?

10 A M-e-r-r-i-t.

11 Q Do you know what department he's with?

12 A He works out of the diesel house, the Mechanical
13 Department.

14 Q Now, you mentioned a creek. Is that the Crawford
15 Ditch?

16 A Yeah. It has other names.

17 Q What other names are you referring to?

18 A It's the official name, Crawford's Ditch.

19 Q Are you aware of any material that's been dumped in
20 Crawford's Ditch other than that which came from
21 the oil water separator?

22 A No, I'm not. Crawford's Ditch kind of, I think,
23 drains that into the yard; and so anything that was
24 in the yard would eventually show up there. That's
25 why they've got a big damn there and they've got a

1 big thing there to --

2 Q Okay. But, prior to when they had the damn there,
3 do you know of any material that was dumped in
4 there?

5 A No. You mean specific, like somebody taking a
6 truck down and dumping barrels in there, no. No.
7 I would say just the -- the only thing I would
8 guess at would be normal leakage out of the yard.

9 Q Okay. So anything spilled in the yard would end up
10 in Crawford's Ditch --

11 A Yeah.

12 Q (Continuing) -- prior to when they had the damn?

13 A Yes.

14 Q In 1980 when you worked in the B & B Shop, were you
15 responsible for cleaning any of the electrical
16 components that you would work on?

17 A Just the air conditioners.

18 Q And the only material, again, is the liquid that
19 you referred to earlier?

20 A Uh huh.

21 Q When you would work on the snow melters, would you
22 ever have to clean those?

23 A No. They're not designed for that.

24 Q Would you use any liquid on those at all?

25 A No.

1 Q What about when you would maintain the general
2 electrical equipment in the buildings? Would you
3 clean any electrical components or anything?

4 A Normally the building maintenance that we do is
5 like outlets and switches and lighting fixtures and
6 stuff like that. That's mostly replacement.
7 That's not cleaning.

8 Q Okay. In 1980 are you aware of any liquids used by
9 the B & B Shop, period?

10 A The air conditioner cleaner that I told you. We
11 had regular cleaning supplies for cleaning our
12 building, you know, washing the walls and stuff
13 like that.

14 Q Are you familiar with PVC?

15 A Yeah.

16 Q Is PVC used by the B & B Department?

17 A No -- oh, you mean PVC pipe. I was thinking of
18 PCP.

19 Yeah. Yeah, we use some of that, yeah.

20 Q That's polyvinyl chloride.

21 A Yeah.

22 Q Do you know whether there are any cleaners
23 associated with PVC piping that are stored in the
24 B & B building?

25 A Yeah. Not massive amounts, but, yeah.

1

2

Q How much?

3

A We generally -- well, we generally keep two to six cans on hand.

4

5

Q How big are those cans?

6

A They're about that high and about that big around (indicating). And they do have that felt tip off that you pull out and.

8

9

Q So about 4 inches high and about 3 inches in diameter?

10

11

A Try the other way around.

12

Q Okay. 3 inches high and 4 inches in diameter.

13

14

All right. Do you know of any other materials like PVC cleaner that is -- that are used by B & B employees?

15

16

A That's the only cleaner we use for when we're putting them together, the sections together. That cleans the end of the pipe and evaporates, and then you put the glue on and stick it together. That -- and that's the only part we use it on is when we're putting them in.

17

18

19

20

21

22

Q Are you aware of any PVC cleaner being spilled in 1980?

23

24

A No, huh uh.

25

Q Is that cleaner used in -- in locations other than

1 where the B & B Department is located?

2 A Anywhere we put the pipe, you know.

3 Q And that would include any building in the yard?

4 A Well, no. It's more like special construction
5 projects. Like when we put the camp cars in, we
6 had to run a -- a line to the city sewer, okay.
7 And so we -- we dredged in -- what -- 1300 feet of
8 either 4 or 6 inch pipe and, you know, put it all
9 together and so that the camp cars could, instead
10 of being dumped on the ground, will now go into the
11 city sewer.

12 (Pleading's Deposition Exhibit No. 1
13 marked for identification.)

14 BY MR. LINDLAND:

15 Q Mr. Hutchison, I'm handing you what's been marked
16 as the Plaintiff's Exhibit No. 1.

17 Does this document look familiar to you?

18 A Uh huh.

19 Q What do you recognize this document as?

20 A It's a layout of the Elkhart Yard.

21 Q That's the Elkhart or the Conrail rail yard. Is
22 that correct?

23 A Yeah.

24 Q If you could take this pen and mark on that diagram
25 where the -- that piping that you referred to

1 earlier is located.

2 MR. ERMILIO: Do you mean stored or?

3 MR. LINDLAND: He indicated that they
4 had put 1300 feet of pipe in.

5 Q (Continuing) If you could draw a line representing
6 that 1300 feet.

7 A Okay, it's -- it is down along this track; and it
8 starts about in here and goes down out here to
9 Oakland Avenue. You've got a rail up here that's
10 where the camp cars sit, and it goes from there
11 around an old C & S building, and it goes in there
12 (indicating).

13 Q Okay.

14 A Into the city sewer.

15 MR. LINDLAND: Okay. For the record,
16 the deponent drew a line from Box 1A to just
17 outside the box to the east or what's
18 identified as east on the diagram.

19 Q You mentioned an old C & S building. What -- what
20 do you mean by an old C & S building?

21 A Well, it's not in use now. It's empty. And I
22 think eventually they're going to tear it down.

23 Q Do you know what it was used for?

24 A C & S, 'cuz --

25 Q What is C & S?

1 A It's the Signal Department.

2 Q Okay. Is that where those -- the -- strike that.

3 Is that where the employees of the C & S
4 Department would be located?

5 A Part of them used to be. That's where they
6 recharged their batteries and stuff.

7 Q Okay. Do you know who's in charge of the C & S
8 Department?

9 A Dan Berrell.

10 Q You mentioned camp cars. What are camp cars?

11 A They bring in track gangs, track service gangs, to
12 like go through the yard and work on whole sections
13 of track or out on the mainland and work on miles
14 of track and to have -- they bring in these camp
15 cars, and they're like trailers on wheels, and they
16 can sleep like eight men per car, and they have a
17 bathroom in there, and they have a sink where they
18 can wash up, and they have a shower, and they're
19 air conditioned.

20 And so, a lot of these guys come in to work
21 on these gangs from Ohio and Kentucky, and they
22 can't go home every night. So during the week,
23 they stay there. They work four -- four tens.
24 Four days they work ten hours a days. And that
25 gives them a three day weekend so they can get home

1 to their families.

2 Q Okay. Now, those cars are stored in the location

3 that you marked on the diagram?

4 A There's -- off and on. The camps move around the

5 system.

6 Q Are those cars refrigerated or air-conditioned?

7 A Air-conditioned.

8 Q Who maintains the air conditioning in those cars?

9 A We do.

10 Q Do you know specifically who does?

11 A Ralph Holcomb.

12 Q Ralph Holcomb?

13 A Yeah, H-o-l-c-o-m-b.

14 Q Do you know how they maintain those? In other

15 words, are they recharged ever?

16 A They were, but there's a new -- new -- a new law

17 out now that you have to be certified to charge or

18 to drain, and we don't have anybody certified yet

19 so we're not doing it.

20 Q Who -- who was responsible for doing that prior to

21 the new -- the new law?

22 A Ralph Holcomb was.

23 Q Ralph Holcomb? And he's still with Conrail?

24 A Yeah.

25 Q At the Elkhart yard?

1 A Uh huh.

2 Q Is he in the B & B Department?

3 A Uh huh.

4 Now, this ain't in 1980. We're talking now.

5 Q Okay. What about 1980? Was there a different
6 location where camp cars would be located?

7 A They didn't have camp cars -- or, I mean, they
8 didn't have air conditioning in 1980.

9 Q Okay. But the camp cars were still there?

10 A Yeah.

11 Q Okay. What year was the piping laid that you
12 referred to?

13 A About three years ago.

14 We're really getting it confused, aren't we?
15 I forget that we're in 1980 or whatever.

16 Q I'm sorry. Maybe because of my questions.

17 A No, I just --

18 MR. ERMILIO: Kurt, before we continue,
19 we're going to have to make a decision on
20 Mr. Harvey, who is waiting for us. It's 1:00
21 o'clock.

22 MR. LINDLAND: We can go off the record.

23 (Whereupon a short recess was taken.)

24 BY MR. LINDLAND:

25 Q Are you aware of any material that's stored in 55

1 gallon drums in the B & B Department?

2 A (No audible response.)

3 Q Are you aware of any materials stored in 55 gallon
4 drums at the Elkhart Yard?

5 A Yeah. Well, the diesel house has 55 gallon drums.

6 Q What material do they have in 55 gallon drums?

7 A Oil. Various kinds of bearing oil. They are
8 specialty oils, you know, gear oil, things like
9 that.

10 Q So various kinds of oil, for example?

11 A Uh huh.

12 Q Is there anything else they store in 55 gallon
13 drums?

14 A I don't know if they still get -- I don't know.
15 I've been out of there. I've been out of the
16 diesel house ten years.

17 We don't -- we don't have any. I don't know.

18 Q You mentioned earlier that part of your
19 responsibilities is to go around and fix the
20 electrical components in some of the buildings.

21 When you're doing that, do you notice or have
22 you ever noticed 55 gallon drums in any of the
23 buildings?

24 A The -- yeah, the storehouse has a bunch of drums
25 sitting out in front of their place, but I don't

1 know what's in them.

2 Q Do you know what color they are?

3 A I think some of them have a blue band on them.

4 Some have an orange band on them. I don't know.

5 Q You said you don't know what's in them?

6 A No, I don't.

7 Q Do you know who would know?

8 A I don't know the guy's name. He just came, but

9 there's a guy that's in charge of the storehouse.

10 He's the foreman there. He's the boss of the

11 storehouse.

12 Q Okay. Are you aware of any drums anywhere else in

13 the yard?

14 A The Track Department has -- has drums.

15 Q And where are those drums located?

16 A They're scattered throughout the yard. They

17 contain oil for bearings on boxcars.

18 Q For bearings? You mean for the wheel bearings?

19 A Uh huh.

20 Q Do you know if those drums contain anything other

21 than oil?

22 A No, they're just oil.

23 Q Okay. Are you aware of any other drums at the

24 yard?

25 A Not specifically. I -- I would have to say, you

1 know, any department that -- like the diesel --
2 diesel house has some for specialty oils, and so
3 you could -- but for me to say what's -- what's in
4 them or what they got. I could guess.

5 Q That's okay. I guess other than the diesel house
6 and the storehouse and the track yard, is there any
7 other area of the yard that contains drums that
8 you -- that you can remember?

9 A Huh uh.

10 Q Are you familiar with how material is transferred
11 out of the drums, for example at the storehouse,
12 into smaller containers?

13 A They have barrel pumps.

14 Q A barrel -- excuse me. A barrel pump?

15 A Uh huh.

16 Q Is that like a pump that mounts on top of the
17 barrel?

18 A Screws on in, and then it's got a handle on it, and
19 it's got a spigot, and you pump it, and then it
20 comes out the spigot into a bucket.

21 Q Are you aware of any spill -- like a container or a
22 catch basin to catch spills surrounding the barrels
23 that have these spigots?

24 A No.

25 Q You identified this PVC cleaner that's used in the

1 B & B Shop.

2 Are you aware of any other liquid material
3 used there? For example, paint thinner or paint?

4 A For PVC?

5 Q No, I'm talking about any kind of liquid used by
6 employees of the B & B Department?

7 A Yeah.

8 Q Are you aware of any other liquids other than the
9 PVC cleaner and the -- the refrigeration cleaning
10 material?

11 A Well, since you helped me remember, yeah. I hadn't
12 remembered it; but, yeah, we have a carpenter that
13 paints; and he has paint thinner.

14 Q And where is that stored?

15 A In the Carpenter Shop.

16 Q Where -- referring to what's been marked as
17 Plaintiff's Exhibit No. 1, can you identify where
18 the Carpenter Shop is on this document?

19 A It's on the back side of the Track Department
20 building. That would be -- let's see. Where are
21 we at?

22 It would be down here. The car shop is here.
23 It would be right on -- there's a building right
24 here. That's the car shop, and he's -- he's about
25 the center door in the back (indicating).

1 MR. LINDLAND: Okay. For the record,
2 the deponent has referred to the box that's
3 labeled 5A, the center of that -- that
4 square.

5 Q How much paint thinner do they store there; do you
6 know?

7 A Not much at one time. They're always running out.

8 Q Really?

9 Have they always stored paint thinner there?
10 In other words, has that always been the Carpenter
11 Shop?

12 A Yeah, uh huh.

13 Q Since when, approximately?

14 A I don't know. A long time.

15 Q Since 1964?

16 A Before I came down there.

17 Q Okay. So ever since you've been at the rail yard,
18 since 1964, the Carpenter Shop has been located
19 where you identified?

20 A As far as I know.

21 Q Okay. Do they store paint thinner in 55 gallon
22 drums?

23 A No.

24 Q Smaller containers?

25 A Yeah.

1 Q He would know that?

2 A I would say, yeah.

3 Q Is there any other --

4 A But maybe not. I don't know.

5 Q Okay.

6 Is there any other material other than paint
7 thinner that's used by B & B employees that you can
8 think of?

9 A No. I wouldn't even have thought of that if you
10 hadn't brought it up.

11 Q Any other solvents?

12 A No, I wouldn't.

13 Q I assume he uses paint if he uses paint thinner?

14 A Yeah.

15 Q Is paint stored in the carpenter's --

16 A Same place.

17 Q (Continuing) -- area?

18 Do you know what sort of container paint is
19 stored in?

20 A 5 gallon cans.

21 Q Do you know of any special handling procedures that
22 are employed by B & B employees because of the
23 material they're using?

24 For example, does Mr. Lewis use any sort of
25 special handling procedures when he's using paint

1 thinner?

2 A I don't know about that. If they're painting an
3 enclosed room or something, he has a ventilation
4 system that they set up to ventilate the room while
5 they're painting. But I don't know about the
6 thinner, what he does with that.

7 Q Do you know whether there's a catch basin or
8 there's a drain system in the Carpenter Shop?

9 A I don't know.

10 Q Are you aware of any protective clothing worn by
11 B & B employees?

12 A For like solvents and stuff, you mean?

13 Q For example, yeah.

14 A Not really. We have protective gear. The company
15 provides protective gear; but I, for the most part,
16 don't use it. We've just not had a -- where it's
17 necessary.

18 I mean, we all wear protective gear for, you
19 know, like when I'm working out there on the tracks
20 and I kneel on a stone. I have knee pads, and we
21 have to wear safety glasses, and we have to wear
22 hard hats. And so, we have that kind of protective
23 gear.

24 We also have respirators and stuff, but I
25 don't ever recall seeing it used because it's never

1 been necessary.

2 Q When would that be necessary to wear?

3 A Well, if -- if there was, you know, like I say,
4 when -- if they were painting, and they couldn't
5 arrange for ventilation to get the room ventilated
6 out or something, then you would wear a vapor mask.

7 Q Has that ever happened that you know of?

8 A No.

9 Q Are there any other times when you would need to
10 wear a respirator?

11 A Down in the sewers.

12 Q And why would you need to wear one down in the
13 sewers?

14 A Methane gas.

15 Q By "sewers," you mean the sanitary sewers?

16 A I mean the regular sewage sewers.

17 Q Okay.

18 When you buy materials at the B & B
19 Department, how do you buy them?

20 In other words, do you buy them through the
21 Purchasing Department?

22 A We did -- we did up until about -- I don't know,
23 six -- six or seven years ago, and then the company
24 has instituted the new plan now where we buy most
25 of our material off of local vendors, and so that's

1 the way my boss gets it.

2 Q Okay.

3 A I don't purchase it. I don't have anything to do
4 with acquiring material. He does.

5 Q Do you know where it comes from?

6 A Just local vendors.

7 Q Do you know what their names are?

8 A Well, specifically what are we talking about?

9 Q Paint thinner?

10 A Oh, no, I don't know where he gets that. I'm
11 sorry. I don't. Maybe -- no, I don't know.

12 Q Okay. Now --

13 A I was going to take a shot in the dark, but I'm not
14 going to say.

15 Q We were talking about 1980.

16 Has your job changed since 1980 as an
17 electrician with the B & B Department?

18 A When I came down here, no, huh uh.

19 Q What material do you use to clean electrical parts,
20 if any?

21 A I don't. My -- the job that I'm doing now doesn't
22 require cleaning.

23 Q Are you aware of any trial runs or experiments
24 using different cleaners or solvents in the B & B
25 Department?

1 A No. Maybe when we had the old purchasing thing
2 they might have done that, you know, but I'm not
3 even aware of them doing it then.

4 Q You mean the purchasing method where you would buy
5 it from the store on site?

6 A No. I'm sorry. Back when they had the central
7 warehouse and stuff. Now, the central warehouse
8 might have done something like that back in the old
9 days; but I wasn't aware of it. And now they just
10 use commercial material, you know, so I don't --

11 Q Okay. Are you aware of any spills of materials in
12 the B & B Department or by B & B employees?

13 A I've spilled a lot of stuff, but none of it toxic.
14 Nuts and bolts and rubber hose and things like
15 that, but nothing -- nothing liquid or.

16 Q Are you aware of any spills, for example, in the
17 Carpenter Shop?

18 A No. No, I'm not.

19 Q You mentioned earlier that part of your
20 responsibilities includes going out to the various
21 buildings to, you know, fix electrical parts or
22 components.

23 Do you remember seeing any stains or any
24 indications of spills while you were performing
25 those functions?

1 A Where? In the buildings, you mean?

2 Q In the buildings or outside the buildings?

3 A Oh, I don't guess I would notice outside the
4 buildings; and they have janitors clean the
5 buildings daily, so, you know, nothing would be
6 there long; and I don't recall seeing anything.

7 Q Are you familiar with waste generated by B & B
8 operations?

9 And by waste --

10 A Yeah -- well, what do you mean by waste?

11 Q By waste, I mean liquid waste?

12 A No. We have -- we have a dumpster for solid refuse
13 and stuff.

14 Q And where is that located?

15 A In back of the shop.

16 Q Are you familiar with any waste material from the
17 Carpenter Shop?

18 A I'm never over there.

19 Q Okay.

20 A They're kind of on their own, and they -- they
21 don't work with us, you know.

22 Q Okay, fine.

23 A We don't have anything for carpenters out on the
24 rails.

25 Q Again, referring to your responsibilities as an

1 electrician to go around to different locations,
2 you know, to do electrical work, have you ever
3 noticed any waste generated in any of the other
4 buildings?

5 And, again, by waste, I mean liquid waste?

6 A No, I can't recall specific incidents. And in a
7 corporation that big, there must be some; but I
8 don't recall.

9 It's not -- not something I look for. If
10 wires don't run to it, I'm not interested in it.

11 Q What kind of records do you keep, if any?

12 A Well, specific records that I keep are like when we
13 change these cal rod heaters on the switches. I
14 keep a record of the switch that we change them on
15 and what size heater it was and so forth like that
16 so that when it comes budget time I can show what
17 our average is -- expenditure is from year to year
18 so that the budget will be enough to buy the
19 material to do my work. That's about all the
20 records I keep.

21 Q What kind of machinery do you use?

22 In other words, do you use drill presses or
23 any kind of -- any kind of machinery?

24 A Uh huh.

25 Q What is that?

1 A We have a -- we call it a boring machine, and it's
2 a -- a drill that we clamp on the rail to drill the
3 holes that we mount the clamps on to hold these
4 heaters.

5 Q You're talking about the snow melters now?

6 A Uh huh.

7 Q Okay. Is that boring machine ever cleaned?

8 A No. It's lucky to get some bolts tightened up once
9 in a while.

10 Q So the electrical parts on that are never cleaned?

11 A When it ceases to operate, we start looking for
12 another one.

13 Q Do you have any other machinery you use?

14 A We have a heel block machine. I don't know the
15 name of these things, but it drills a larger hole
16 that we run the wire through the rail, and we call
17 it a heel block machine, and it's also a drill.

18 Q So that's a mobile machine?

19 A It's one you pick up and clamp onto the rail.

20 Q Okay. Is that ever cleaned?

21 A Does this stuff go back to the company?

22 No.

23 Q Is it maintained in any way?

24 A Just to see that it has oil and gas and, like I
25 say, to tighten up the things.

1 Q Okay. Does the other -- the boring machine, does
2 that require oil and gas, as well?

3 A Uh huh.

4 Q Any other fluids?

5 A Huh uh.

6 Q Are you familiar with a Safety Kleen parts washer?

7 A No.

8 Is that something I'm supposed to?

9 Q I'm just asking whether you've ever heard of it?

10 A No.

11 What's it look like?

12 Q A Safety Kleen parts washer?

13 A Yeah.

14 Q It's got a -- okay, it's used for cleaning parts, a
15 mechanical part, and it's a -- it's a machine where
16 you can wash -- wash parts with a solvent?

17 A No, I'm not.

18 Q Are you familiar with any underground tanks?

19 A Well, can I give that a yes and a no?

20 We had fuel tanks underground up to about two
21 years ago, and we had to take them all out and put
22 above ground tanks with concrete retainer walls and
23 all that. So as of now, we don't have any that I
24 know of, underground tanks. We've dug them all out
25 and put these -- put new tanks in with these -- I

1 don't know -- like 4 foot retainer walls around
2 them.

3 Q What about underground tanks that are no longer
4 being used but are still located underground? Are
5 you aware of any?

6 A Huh uh.

7 Q Are you aware of any of these tanks that hold fuel
8 oil -- are you aware of those tanks being used for
9 something other than fuel oil?

10 A No.

11 Q Are you aware of waste oil being stored in any of
12 those tanks?

13 A There's a -- just one. It's not an underground,
14 though.

15 Is that what you're looking for, underground?

16 Q Right now underground.

17 A No, there's not -- no.

18 Q Okay.

19 A There's a waste oil tank, but it's not underground.

20 Q Is that above ground?

21 A Yeah, a big one.

22 Q Where is that located?

23 A Down there by the creek where the separator is.
24 Then they separate the oil and put it in a tank.

25 Q And then somebody comes and picks up the oil?

1 A Yeah.

2 Q Are you familiar with a wet cinder pit?

3 A No. That sounds like something from the steam
4 days, steam engines.

5 What is it? Isn't that what it is?

6 Q Well, that's what I'm asking you, if you --

7 A That would be before my time.

8 Q Okay. How about a dry cinder pit?

9 A No.

10 Q Are you familiar with a paint shed?

11 A Paint shed?

12 Q Uh huh.

13 A No.

14 Q Since 1980, are you aware of any spills of
15 hazardous substances in the yard?

16 A Yeah, two, for sure; and that's where I say when
17 they called the Hazmat team out and they evacuated
18 a third of Elkhart and all that. And that was --

19 Q When was the first one?

20 A I can't give you an exact date. I could just guess
21 around '85 or '84.

22 Q And did that involve a tank car?

23 A Yeah, I think it was.

24 Q Do you remember what material was in that tank car?

25 A No, I don't.

1 Q You said they evacuated some people?

2 A Uh huh.

3 Q Why did they evacuate people; do you know?

4 A Because of the fumes from it.

5 Q Was it a liquid that leaked out of the tank, or do

6 you know?

7 A I don't know.

8 Q Okay. What was the other spill that you remember?

9 A Both of them -- they called Hazmat teams out on

10 both of them. I don't remember the --

11 Q Okay. Do you remember the date of the second one?

12 A Huh uh.

13 Q Was it basically the same kind of incident?

14 A Yeah.

15 Q To the best of your knowledge?

16 A (No audible response.)

17 Q Have you ever heard of Mid-City Supply?

18 A Yeah.

19 Q Does the B & B building use materials from Mid-City

20 Supply?

21 A Yes.

22 Q What materials do they use?

23 A They -- boy, I can't tell you. I know that we get

24 stuff. I think we get our metal from them like for

25 duct work and stuff.

1 Q Is there a file in the B & B Department that would
2 be labeled "Mid-City Supply"?

3 A Probably, yeah.

4 Q Okay. And Mr. Martin would --

5 A Yeah.

6 Q (Continuing) -- know about that, I presume?

7 A Uh huh.

8 MR. LINDLAND: Okay. I have no further
9 questions.

10 CROSS EXAMINATION

11 BY MR. ROSSWURM:

12 Q Mr. Hutchison, my name is Glenn Rosswurm; and I'm
13 local counsel for one of the defendants in this
14 case, Penn Central. I just have a few brief
15 questions for you.

16 I'd like to focus on the period from about
17 1964 to 1970 when you were at -- at the Elkhart
18 Yard.

19 Do you have any -- any knowledge at all
20 either from your own personal knowledge or from
21 anything you've heard about spills or releases
22 anywhere in the yard during that period?

23 A No, that's -- that's what I was trying to say
24 earlier is we're very departmental out there, and I
25 was working in the diesel house. Like, when I come

1 into work, I would have locomotives to work on; and
2 we didn't associate with the other departments.

3 Q Okay.

4 A So we just -- I'm not aware of them.

5 Q Okay. Do you know Claude Brewton?

6 A No.

7 Q Have you heard of him before?

8 A (No audible response.)

9 Q Do you know Ted Berkshire?

10 A Berkshear or Berkshire.

11 Q Berkshire. Sorry on the pronunciation?

12 A I don't know.

13 Is he -- is he an engineer?

14 I know a Berkshire that we call Berky that is
15 an engineer. He must be in his -- 40, 45; but I
16 don't know if his first name is Ted.

17 Q Okay.

18 A And I know him.

19 Q Okay. With respect to the layout of the tracks at
20 Elkhart yard, are you familiar with the location of
21 Track 69 at the yard?

22 A Not -- not from memory, but I could --

23 Q If I could direct you to Plaintiff's Exhibit 1,
24 could you locate Track 69?

25 A That would probably be down around Group 8. I

1 don't see it on here but.

2 Q Yeah, I believe that's where it's -- where it's
3 indicated. The fine print is kind of hard to --
4 hard to see?

5 A Down in here somewhere (indicating).

6 Q Are you aware since your time at the yard of any
7 changes in the track layout involving -- involving
8 Track 69?

9 A No. That would be Track Department. I wouldn't
10 know anything about that.

11 Q Okay. Do you have any -- any knowledge at all
12 about any drums that -- that had been buried at any
13 point during your time at the Elkhart Yard?

14 A No.

15 MR. ROSSWURM: Okay. That's -- that's
16 all I have.

17 MR. LINDLAND: I have one more question.

18 REDIRECT EXAMINATION

19 BY MR. LINDLAND:

20 Q Mr. Hutchison, are you aware of any buried tank
21 cars?

22 A What's supposed to be in it?

23 Q I don't know. I'm just asking.

24 A I don't know of any tank cars, but why would you
25 bury a tank car?

1 Q I'm just asking whether or not you're aware of any
2 out there?

3 A I would say if there was something like that that
4 are that size, it would have to be before I went
5 down on the B & B gang, and I wouldn't know it.

6 But something that size would surely be
7 buried by the Track Department. They're the only
8 ones that have got the equipment. They've got the
9 front end loaders and the backhoes and stuff like
10 that.

11 Somebody there might know. I don't.

12 Q Are you familiar with the layout of the drainage
13 system; that is, the --

14 A No, not really.

15 Q (Continuing) -- runoff drainage system?

16 Do you know if anyone in the B & B Department
17 has a map of the drainage system?

18 A Yeah. Bill Martin has maps of the yard.

19 Q And he has a map identifying the drainage system?

20 A I think so.

21 MR. LINDLAND: Okay. I have no further
22 questions, although we reserve the right to
23 re-examine this witness subject to the
24 production of any documents produced during
25 this deposition.

1 MR. ROSSWURM: I just have one -- one
2 brief question.

3 RECROSS EXAMINATION

4 BY MR. ROSSWURM:

5 Q You mentioned that you know Berky, who is, I
6 assume, Mr. Berkshire.

7 Has he ever --

8 A It may or may not be the same guy, but I don't
9 know.

10 Q May not be, okay.

11 Has he ever mentioned anything to you about
12 any spills at the Elkhart Yard?

13 A Huh uh.

14 MR. ROSSWURM: Okay, that's all.

15 THE WITNESS: I'm not sure that the
16 Berky I know would know a spill if he waded
17 through it.

18 MR. ERMILIO: I have no questions.

19
20
21 William D. Hutchison

22 SUBSCRIBED AND SWORN to before
23 me this _____ day of _____,
A.D., 1993.

24 Notary Public, State of Indiana
25 County of Residence:
My Commission Expires:

CERTIFICATE

I, Teresa L. Gemmel, Notary Public in and for the County of St. Joseph and State of Indiana, duly authorized to administer oaths, do hereby certify there appeared before me at the said time and place, William D. Hutchison, who was first duly sworn by me to testify the truth and nothing but the truth in response to questions propounded at the taking of the foregoing deposition.

I further certify that I then and there reported in machine shorthand the proceedings at said time and place; that the proceedings were then reduced to typewriting from my original shorthand notes; and that the foregoing typewritten transcript is a true and accurate record thereof.

I further certify that the deposition was read and signed by the deponent in the presence of a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, A.D., 1993.

Teresa L. Gemmel
Notary Public, State of Indiana
Residence: St. Joseph County
My Commission Expires 12-3-93